

HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1029 (M/S) of 2004

Committee of Management, Inter College
Vijaypur Kanda, District – Bageshwar
Through its Manager sri Naveen Chandra Pant
s/o Sri Ganga Dutt Pant. Petitioner

Vs.

1. State Of Uttaranchal through the Secretary,
Secondary Education, Uttaranchal, Dehradun.
2. Director of Education, Uttaranchal, Dehradun.
3. Joint Director of Education, Kumaon Mandal,
Nainital.
4. District Education Officer, Bageshwar.
5. Inter College, Vijaypur, Kanda, Bageshwar,
Through Its Authorized Controller, Principal.
Govt. Inter College Devotoli, Bageshwar. Respondents.

Sri K.N. Joshi Learned counsel for the petitioner.
Sri Nand Prasad learned standing counsel for the state.

Dated 28-3-2006

Hon'ble B.S. Verma, J.

Heard Sri K.N. Joshi learned counsel for the petitioner
and Sri Nand Prasad learned standing counsel for the state.

The present writ petition has been filed by the petitioner
to issue a writ, order or direction in the nature of certiorari to
quashing the impugned order dated 16-9-2004 passed by the
Regional Joint Director Of Education, Kumaon Mandal ,
Nainital, by which the Authorized Controller has been
appointed under Section 6 (3) of the Payment of Salary of
Teachers and others Employee Act 1971.

The operation of the impugned order dt 16.9-2004 was stayed by this court of 16-10-2004, on the ground that no show cause notice was issued to the petitioner before the appointment of the Authorized Controller.

Subsequent to that the Joint Director has issued notice under Section 6 (2) of the Act. On 12-12-2005, the power of petitioner has been ceased for a period of six months and another authorized controller has been appointed.

Aggrieved by the subsequent order dated 12-12-2005, the petitioner has also filed the Writ Petition No. 218 (M/S) of 2006 before this court which was dismissed by this court on the ground of alternate remedy is available to the petitioner for filing the appeal as provided under Section 7 of the said Act.

After the appointment of 2nd authorized controller, the earlier order had become infructuous.

The writ petition is dismissed as infructuous.

(B.S. Verma, J.)

Dated:- 28-3-2006
M.K.

